

Federal Communications Commission
WashingtonOFFICE OF
THE SECRETARY

RAM TECHNOLOGIES

EXHIBIT NO. ~~ONE~~ 3

October 4, 1993

Honorable Robert C. Byrd
United States Senate
Committee on Appropriations
Washington, D. C. 20510-6025

Re: PR Docket No. 93-231

Dear Senator Byrd:

Thank you for your letters dated August 6 and 11, 1993, accompanied by correspondence from your constituent, Mr. William D. Stone, Jr., President/CEO of Capitol Radiotelephone Inc., d/b/a Capitol Paging concerning its application for a private carrier paging facility on frequency 152.480 MHz in Huntington/Charleston, West Virginia.

Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deal with communications relative to all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because Capitol Radiotelephone's application was formally opposed by a petition to deny filed on March 30, 1990, the application proceeding became "restricted" and remained so until such time as a Commission decision was made and no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208(c)(2). Although the Commission granted a license to Capitol Radiotelephone on September 12, 1990, this grant was subject to a pending petition for reconsideration.

For your information, on August 3, 1993, the Commission acted on the petition for reconsideration by rescinding grant of the Capitol Radiotelephone application and returning it to pending status. In addition, it designated this application for hearing on specified issues directed at operation of Capitol Radiotelephone's facility and on whether an order of forfeiture should be issued against Capitol Radiotelephone and whether its licenses should be revoked. A copy of the Commission's order is enclosed. As a consequence of these actions, the proceeding continues to be restricted and, therefore, presentations that address the merits or outcome are not permitted unless served on all parties to the proceeding.

11

Federal Communications Commission

Docket No. 93-231 Exhibit No. 3

Presented by RAM TECHNOLOGIES

Identified ✓ 2/7/94

Disposition

Received

Rejected

Reporter M.K. FLEISHMAN

Date 2/7/94

Accordingly, pursuant to FCC Rules as found in 47 CFR Section 1.1212(e), I have, by copies of this letter, provided notice and disclosure of your communication to all parties to this proceeding. Additionally, this letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

You may be assured that the Commission will closely examine all evidence in the record in order to determine which course of action will best serve the public interest, convenience and necessity.

Sincerely,

William F. Caton
William F. Caton
Acting Secretary

cc: Capitol Radiotelephone Inc.
d/b/a Capitol Paging
1420 Kanawha Blvd. E.
Charleston, West Virginia 25301

Capitol Radiotelephone Company, Inc.
P. O. Box 8305
South Charleston, West Virginia 25303

Frederick M. Joyce, Esq.
Joyce & Jacobs
2300 M Street, N.W.
Suite 130
Washington, D. C. 20037

Kenneth E. Hardman, Esq.
1255 23rd Street, N.W.
Suite 830
Washington, D. C. 20037

T. D. Kauffelt, Esq.
Kauffelt & Kauffelt
803 Kanawha Valley Bldg.
P. O. Box 3082
Charleston, West Virginia 25331

John J. Borkowski, Esq.
Private Radio Bureau
2025 M Street, N.W.
Room 5002
Washington, D. C. 20554

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, SOUTH CAROLINA
J. BENNETT JOHNSON, LOUISIANA
PATRICK J. LEAHY, VERMONT
JIM SASSER, TENNESSEE
DENNIS DECONCINI, ARIZONA
DALE BUMPERS, ARKANSAS
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA
BARBARA A. MIKULSKI, MARYLAND
HARRY REID, NEVADA
J. ROBERT KERREY, NEBRASKA
HERB KOHL, WISCONSIN
PATTY MURRAY, WASHINGTON
DIANNE FEINSTEIN, CALIFORNIA

MARK O. HATFIELD, OREGON
TED STEVENS, ALASKA
THAD COCHRAN, MISSISSIPPI
ALFONSE M. D'AMATO, NEW YORK
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO
DON NICKLES, OKLAHOMA
PHIL GRAMM, TEXAS
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON
MITCH MCCONNELL, KENTUCKY
CONNIE MACK, FLORIDA
CONRAD BURNS, MONTANA

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

CCB
CC-Paging
3353

August 11, 1993

Ms. Lauren J. Belvin
Acting Director of Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, NW.
Washington, D.C. 20554

Dear Ms. Belvin:

Enclosed is the correspondence that I have received from
Mr. William D. Stone, Jr., Charleston, West Virginia.

I would appreciate your looking into this matter and providing
me with comments that might serve as the basis for a reply to my
correspondent.

Thank you in advance for your attention to this matter.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd

RCB:hk
Encl.

3

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

JAMIEL K. MOUYE HAWAII
ERNEST F. HOLLINGS, SOUTH CAROLINA
J. BENNETT JOHNSTON, LOUISIANA
PATRICK J. LEAHY, VERMONT
JIM SASSER, TENNESSEE
DENNIS DECONCINI, ARIZONA
DALE BUMPERS, ARKANSAS
FRANK R. LAUTENBERG, NEW JERSEY
TOM HARKIN, IOWA
BARBARA A. MIKULSKI, MARYLAND
HARRY REID, NEVADA
J. ROBERT KERREY, NEBRASKA
HERB KOHL, WISCONSIN
PATTY MURRAY, WASHINGTON
DIANE FEINSTEIN, CALIFORNIA

MARK O. HATFIELD, OREGON
TED STEVENS, ALASKA
THAD COCHRAN, MISSISSIPPI
ALFONSE M. D'AMATO, NEW YORK
ARLEN SPECTER, PENNSYLVANIA
PETE V. DOMENICI, NEW MEXICO
DON NICKLES, OKLAHOMA
PHIL GRAMM, TEXAS
CHRISTOPHER S. BOND, MISSOURI
SLADE GORTON, WASHINGTON
MITCH MCCONNELL, KENTUCKY
CONNIE MACK, FLORIDA
CONRAD R. BURNS, MONTANA

JAMES H. ENGLISH, STAFF DIRECTOR
J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

PRB
PH
3264

August 6, 1993

Ms. Lauren J. Belzin
Acting Director
Office of Legislative Affairs
Federal Communications Commission
Room 808
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Belzin:

Enclosed is correspondence I have received from Mr. William D. Stone, Capitol Paging, Charleston, West Virginia, that expresses his concerns about his business and possible actions by the Federal Communications Commission.

I would appreciate your making note of Mr. Stone's concerns and providing me with information that might serve as the basis for a response to him.

Thank you in advance for your attention to this matter.

With kind regards, I am

Sincerely yours,

Robert C. Byrd
Robert C. Byrd

RCB:sgc

Aug 18 1993
4

"THE PEOPLE FINDERS"

*Capitol
Paging*

1420 Kanawha Blvd. East
Charleston, WV 25301
(A Division of Capitol Radio Telephone)

August 4, 1993

The Honorable Senator Robert C. Byrd
311 Hart Building
Washington, DC 20510

Reference: KQD614 Radio Common Carrier
WNSY646 Private Carrier
Item #4 F.C.C August 3, 1993

Dear Senator Byrd:

This is in reference to Capitol Radiotelephone Company Inc., dba, Capitol Paging, the first paging company in the State Of West Virginia. We have been in business for over 30 years. As our record has been unblemished not only with the Federal Communications Commission, but also with the West Virginia Public Service Commission. We have grown from a three family member operation to a corporation that now employs directly and indirectly over one hundred employees.

We have run into some problems over the past years as our growth has very possibly scared some of the competition. We have fought our battles on our own even though individuals from Kentucky; ie Robert A. Moyer was able to get Senator Perkins involved in an attempt to get a license for Capitol Paging denied around October 27, 1990 at which time the Daily Independent, a Kentucky based newspaper ran that story. (See enclosure)

During the past 25 years there have been many harassment efforts by Mr. Robert A. Moyer and his various companies toward me and my company. In the past I have bended, I have signed papers allowing him to put paging frequencies in operation, I have testified on his behalf at West Virginia Public Service Commission hearings about other matters, yet he is relentless in his pursuit to drive Capitol Radiotelephone Company, Inc. out of

5

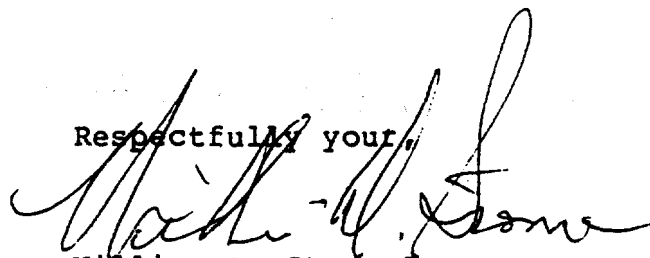
business. We will not be swayed and we will not bend any more. I have never asked for anyone's help to fight my battles, nor will I now. What I do ask is for an opportunity to speak, to tell my story, and to fight for a company my Father and I started and has grown with hard work and dedication.

I ask for your help, not only for myself, but the thousands of people that depend on Capitol Paging for life and death communications. Each and every customer is dependent on our paging system and our service. I ask that you please monitor and do not let the Federal Communications Commission use us as a test case or to demonish our reputation to show the other Radio Common Carriers that this could happen to them also. We will not be used as a escape goat to rectify a situation brought on by the Federal Communication Commission in opening up a can of worms in the private carrier paging business. They made the rules, they allowed it, whether right or wrong to open those frequencies is not up to me, but do not try to cover up poor judgments by harassing or actually placing out of business the people that brought paging and communications to the level that it is today, or as we do by placing close to two million dollars a year into the West Virginia economy.

Please Senator Byrd I ask for your help, your wisdom, and your encouragement. Please feel free to call me anytime, day or night at 1-800-950-4004. If I am unavailable or not in the office, I will be paged and I will return your call in a matter of minutes. You may also feel free to talk to J. Michael Raymond regarding the situation, as he is Vice President / COO.

Thank you for you help Sir. I am looking forward to talking to you. I remain,

Respectfully your,



William D. Stone Jr.
President / CEO